

REMARKS

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 2, 5, 7, 9, 13, 14, 16-18, 20-22, 27-29, 31 and 33-37 are pending in this application. Claims 1, 2, 5, 7, 9, 13, 14, 16-18, 20-22, 27-29, 31 and 33-37 are amended. Claims 3, 4, 6, 8, 10-12, 15, 19, 23-26, 30 and 32 are cancelled. Claims 1, 13, 18, 27, 33, 36 and 37 are independent.

Applicants acknowledge with appreciation the Examiner's indication that certified copies of the priority documents have been received by the United States Patent and Trademark Office (USPTO).

Drawings

Applicants respectfully request the Examiner acknowledge that the drawings have been accepted by the USPTO or identify any deficiencies believed to be present in the drawings so the Applicants have an adequate opportunity to traverse and/or address any identified deficiencies.

Specification

The specification is amended to correct a typographical error included in paragraph [00115] of the specification.

Provisional Double Patenting Rejections

Claims 1-37 stand *provisionally* rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 26, 46, 66 and 90 of co-pending Application No. 10/753,373. Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application No. 10/753,373 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

Claim Rejection under 35 U.S.C. § 102

Claims 1-37 stand rejected under 35 U.S.C. §102(b) as anticipated by Tomita et al. (US Patent Publication Number 2004/0030983, herein Tomita). Applicants respectfully traverse this rejection as detailed below.

The Examiner alleges that Tomita discloses (i) “a recording medium which comprises a data area including at least two data sections (data A and data B, Fig. 5) and a linking area (linking block LB)” and (ii) a linking area that includes “scrambled user data produced by scrambling user data with a scrambling key (page 10, paragraph 0154).”¹ Further, the Examiner asserts that paragraphs 0156 and 0158 of Tomita disclose various features of dependent claims 9-12.²

In response to the above, Applicants acknowledge paragraphs 0156 and 0158 of Tomita disclose (i) “[t]he linking block consists of two sync frames and each sync frame is 91 bytes in size so that the linking block LB allows a maximum of 182 bytes of the control information to be

¹ Office Action mailed January 4, 2007, page 3, lines 12-15.

² Office Action mailed January 4, 2007, page 3, lines 16-21.

recorded thereon,” and (ii) “[t]he control information includes, for example, at least one of address of each ECC block, copy protect information, key information (key data) needed to decode the scrambled data or the like.” However, Applicants respectfully submit that Tomita provides no indication of a relationship between the key information and an ECC block. Instead, Tomita merely indicates the key information is needed to decode the scrambled data.

Therefore, Applicants respectfully submit that Tomita fails to disclose, teach or suggest “the scrambling key being associated with preceding data section,” as required by amended independent claim 1. Amended independent claims 13, 18, 27, 33 and 37 include features similar to the above-emphasized feature of amended claim 1 and thus, independent claims 13, 18, 27, 33 and 37 are also believed to patentably distinguish over Tomita. Further, Applicants respectfully submit that the dependent claims are allowable of Tomita at least because of the features of the base claims from which the dependent claims depend.

Lastly, Applicants respectfully note that claim 36 is independent and directed towards a method of scrambling data for recording on a recording medium. The method of claim 36 includes “loading a partial physical address into a shift register; outputting a scrambling byte for each shift of the shift register; and combining each scrambling byte with a byte of user data.” Applicants respectfully submit that Tomita fails to disclose, teach or suggest the features of independent claim 36 and respectfully request the Examiner identify the portion of Tomita that is believed to disclose, teach or suggest the features of this independent claim.

In light of the above, Applicants respectfully request that the rejection of claims 1-37 under 35 U.S.C. §102(b) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


Terry L. Clark, Reg. No. 32,644

Scott A. Elchert, Reg. No. 55,149


TLC/SAE/ame

P.O. Box 8910
Reston, VA 20195
(703) 668-8000